IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE DR JUSTICE G.YETHIRAJULU**

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**WRIT PETITION No. 21177 of 2004**

Between:

G.Yerriswamy, S/o. Thimmappa,

Occu: Conductor in APSRTC,
R/o.Gunthakal, Ananthapur District.

**..... PETITIONER**

AND

The Depot Manager, APSRTC, Rayadurga Depot,

Ananthapur District.

**.....RESPONDENT**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or orders or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings No.02/95(112)/98-RDG dated 29-12-1998 of the respondent as illegal, arbitrary, unjustified, unsustainable, in violation of principles of natural justice and in violation of Articles 14 and 21 of the Constitution of India and set-aside the same and consequently direct the respondent to add one annual increment to the pay of the petitioner.

**Counsel for the Petitioner: MR.A.RAMA RAO**

**Counsel for the Respondent: MR.P.VINAYAKA SWAMY (SC FOR APSRTC)**

**The Court at the stage of admission made the following :**

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**THE HONOURABLE DR. JUSTICE G.YETHIRAJULU**

**Writ Petition No. 21177 of 2004**

**ORDER:**

The petitioner is working as a Conductor in the respondent-Corporation. A charge memo was issued to the petitioner for misusing the privilege bus pass No.1219383 dated 20.08.1998 by giving to an unconnected person i.e. other than the person mentioned in the bus pass to travel from Hyderabad—Rayadurga on 14.09.1998. The petitioner submitted his explanation on 29.09.1998 to the said charge memo. The grievance of the petitioner is that the respondent without considering the circumstances explained by him through his explanation and without conducting any enquiry, passed the impugned order, stopping one annual increment with cumulative effect. The petitioner, therefore, approached this Court, through this writ petition, to declare the proceedings No.02/95 (112)/98-RGD dated 29.12.1998 of the respondent as illegal, arbitrary, unjustified, unsustainable, in violation of principles of natural justice and in violation of Articles 14 and 21 of the Constitution of India and set aside the same and consequently direct the respondent to add one annual increment to the pay of the petitioner.

2. The petitioner contends that the punishment imposed on him is a major penalty and it cannot be imposed without conducting any enquiry. Therefore, it amounts to violation of the rules as well as the principles of natural justice. The respondent did not place any material to show whether any enquiry was conducted subsequent to the explanation filed by the petitioner. In the absence of such material, it has to be held that the respondent failed to follow the procedure prescribed under the rules and regulations. Therefore, the impugned order dated 29.12.1998 is not sustainable under law.

3. Having regard to the facts and circumstances of the case, I am inclined to modify the punishment of stoppage of one increment with cumulative effect imposed on the

petitioner into one of stoppage of one increment without cumulative effect. Since the petitioner approached this Court six years after the impugned order, he is not entitled for monetary benefit for the period from the date of the order of the respondent till the date of this order.

4. The writ petition is, accordingly, disposed of. No order as to costs.

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**Dr.G.YETHIRAJULU, J**

**Dated: 19th November, 2004.**

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ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Depot Manager, A.P.S.R.T.C., Rayadurga Depot, , Ananthapur District.
2. Two C.D. copies.